

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 1/6/2015	(3) CONTACT/PHONE Airlin M. Singewald, Senior Planner / (805) 781-5198	
(4) SUBJECT Hearing to consider a resolution for a request by the Santa Margarita Cemetery District to waive the application fees for: 1) a Conditional Use Permit to authorize the expansion of the Santa Margarita Cemetery; and 2) a Lot Line Adjustment for the Cemetery District to accept a 0.68-acre land donation from the neighboring Santa Margarita Ranch for the cemetery expansion. District 5.			
(5) RECOMMENDED ACTION It is recommended that the Board consider the request by the Santa Margarita Cemetery District to waive the application fees for: 1) a Conditional Use Permit to authorize the expansion of the Santa Margarita Cemetery; and 2) a Lot Line Adjustment for the Cemetery District to accept a 0.68-acre land donation from the neighboring Santa Margarita Ranch for the cemetery expansion, and approve these requests based upon the findings in Exhibit "A".			
(6) FUNDING SOURCE(S) General Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$18,500.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent    { } Presentation    { <b>x</b> } Hearing (Time Est. <u>30 minutes</u> )    { } Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS { <b>x</b> } Resolutions    { } Contracts    { } Ordinances    { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5 Vote Required    { <b>x</b> } N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { <b>x</b> } N/A    Date: <u>          </u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 5			

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Airlin M. Singewald, Senior Planner

VIA: Matt Janssen, Division Manager

DATE: 1/6/2015

SUBJECT: Hearing to consider a resolution for a request by the Santa Margarita Cemetery District to waive the application fees for: 1) a Conditional Use Permit to authorize the expansion of the Santa Margarita Cemetery; and 2) a Lot Line Adjustment for the Cemetery District to accept a 0.68-acre land donation from the neighboring Santa Margarita Ranch for the cemetery expansion. District 5.

### **RECOMMENDATION**

It is recommended that the Board:

Consider the request by the Santa Margarita Cemetery District to waive the application fees for: 1) a Conditional Use Permit to authorize the expansion of the Santa Margarita Cemetery; and 2) a Lot Line Adjustment for the Cemetery District to accept a 0.68-acre land donation from the neighboring Santa Margarita Ranch for the cemetery expansion, and approve these requests based upon the findings in Exhibit "A".

### **DISCUSSION**

#### Summary

The Santa Margarita Cemetery District is requesting a fee waiver for a Conditional Use Permit and Lot Line Adjustment for the Santa Margarita Cemetery expansion project. The Conditional Use Permit is required, in accordance with Article 2 of the Land Use Ordinance, to permit the existing cemetery and authorize the proposed expansion. The purpose of the Lot Line Adjustment is to add 0.68-acre of land from the neighboring Santa Margarita Ranch to the cemetery parcel for the proposed expansion. The Santa Margarita Ranch ownership (Major Domo, LLC) has agreed to donate this land to the Cemetery District and has authorized the Cemetery District to apply for permits for the expansion project. The project also requires a General Plan Amendment to change the land use category for the existing cemetery and expansion area from Agriculture to Public Facilities. The Cemetery District is proceeding with an existing active General Plan Amendment application (LRP2008-00004) that was submitted for the cemetery expansion project in 2008. Your Board is scheduled to consider authorizing this General Plan Amendment on this same (January 6, 2015) meeting date.

Based on the Department of Planning and Building's 2014-2015 Fee Schedule, the applications fee would be \$12,947 for the Conditional Use Permit and \$5,553 for the Lot Line Adjustment, for a total of \$18,500.

#### Background

The Santa Margarita Cemetery District was formed in 1909. In 1915, Santa Margarita Ranch owner Frank Reis gifted the District three acres for the creation of the Santa Margarita Cemetery. Since that time, it has served the communities of Santa Margarita, Garden Farms, La Panza, and surrounding rural areas. The cemetery includes 1,740 plots, of which only 20 remain available for new burials. The current Santa Margarita Ranch ownership (Major Domo, LLC) has donated an additional 0.68-acre of adjacent land to the east for the cemetery expansion. The District estimates that this expansion area would allow for an additional 1,000 burials at a rate of 20 new burials each year for the next 50 years. Physical development associated with the proposed expansion would include some grading for future burial spaces and the extension of interior roads to accommodate services and visitors to the cemetery.

#### Justification

The Department's Fee Schedule authorizes the Planning Director to waive up to \$5,000 in permit processing fees for projects that provide broad public benefit. Evidence of public benefit may include but is not limited to:

1. The project meets a need previously identified or recognized by the Board of Supervisors.
2. The project replaces another facility that previously provided benefit.
3. The project provides a facility not presently available in the community.
4. The project has generated substantial, obvious community support.
5. The project would reduce other County costs or increase other County revenues.

Footnote 4.e of the Department's Fee Schedule states that the Board of Supervisors has the authority to consider other fee waiver requests, in excess of \$5,000, when it considers such waivers to be equitable and in the public interest.

The proposed project provides a public benefit because it would allow for the expansion of the Santa Margarita Cemetery, an existing public facility, to meet future burial needs in the community of Santa Margarita and surrounding areas. Waiver of the fees would be equitable and in the public interest per Footnote 4.e of the San Luis Obispo County Department of Planning and Building Fee Schedule because the project would be developed and maintained at no expense to the County and will benefit residents of Santa Margarita and surrounding areas.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel reviewed the resolution as to form and legal effect.

#### **FINANCIAL CONSIDERATIONS**

Based on the Department of Planning and Building's 2014-2015 Fee Schedule, the applications fee would be \$12,947 for the Conditional Use Permit and \$5,553 for the Lot Line Adjustment, for a total of \$18,500. These fees are intended to cover the Department of Planning and Building staff costs for all project-related tasks, including report review and evaluation, applicant, consultant and agency meetings, CEQA determination, public hearing noticing, field visits, and other related work. If your Board approves the fee waiver request the Planning and Building budget would need to be subsidized from the County General Fund for \$18,500.

#### **RESULTS**

Approving the waiver of land use permit fees would result in processing of 1) a Conditional Use Permit to authorize the expansion of the Santa Margarita Cemetery; and 2) a Lot Line Adjustment for the Cemetery District to accept a 0.68-acre land donation from the neighboring Santa Margarita Ranch for the cemetery

expansion. Denying the waiver of permit processing fees would result in the applicant providing the necessary funds to process these permits.

#### **ATTACHMENTS**

1. Resolution approving the request by the Santa Margarita Cemetery District to waive permit processing fees  
Exhibit A: Findings
2. Vicinity Map, Land Use Category Map, and Lot Line Adjustment Map